



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,063	04/27/2001	Philip D. Mooney	Mooney 68	9579

7590 03/05/2004

Esther H. Chong, Esquire
Synnestvedt & Lechner LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 03/05/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,063

Applicant(s)

MOONEY, PHILIP D.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-25,27-29 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-25,27-29 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 8,26,30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 7/30/2001 has been considered and recorded in the file.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-7, 9-14 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (6,173,040).

Regarding to claim 1, see Fig.1, col. 1, line 52 to col.2, line 55, Wang disclose a method for providing an accurate service record from a second communication device (10, 100) to at least one first communication device (20, 30), the method comprising the steps of:

first determining whether a modem is present in the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55);

second determining whether a proper phone line connection exists in the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55); and

generating, by the second communication device, a service record identifying modem-based services that can be offered by the second communication device to the first communication device, based on the results of the first and second determining steps (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 5, Wang also disclose the method wherein the second determining step includes: detecting whether a phone line is plugged into a phone jack connected to the modem of the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 6, Wang also disclose the method wherein the second determining step includes: determining a voltage difference between wires of a phone line connected to the modem of the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Art Unit: 2682

Regarding to claim 7, Wang also disclose the method wherein, in the generating step, the service record identifying the modem-based services is generated if the first determining step determines that the modem is present in the second communication device, and if the second determining step determines that a proper phone line connection exists in the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 9, the method wherein further comprising: generating a message informing the first communication device that there is no proper phone line connection when the second determining step determines that no proper phone line connection exists in the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 10, the method wherein the modem-based services include a Dial-up service (see Fig.1, col. 1, line 52 to col.2, line 55).

4. Regarding to claim 11, see Fig.1, col. 1, line 52 to col.2, line 55, Wang disclose a method of providing an accurate service record identifying services that can be offered by a communication device (Fig.1), the method comprising the steps of:

Art Unit: 2682

determining whether a proper line connection for providing services exists for the communication device (see Fig.1, col. 1, line 52 to col.2, line 55);
and

generating a service record identifying the services if the determining step determines that a proper line connection exists (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 12, Wang also disclose the method wherein further comprising:

once the service record is generated, removing the services from the service record if the determining step currently determines that no proper line connection exists for the communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 13, Wang also disclose the method wherein the services are modem-based services and the line connection is a phone line connection to a modem in the communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 14, Wang also disclose the method wherein further

comprising:

determining whether the modem exists in the communication device (see Fig.1, col. 1, line 52 to col.2, line 55); and

generating the service record if the modem exists in the communication device and the proper line connection exists for the communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

5. Regarding to claim 16, see Fig.1, col. 1, line 52 to col.2, line 55, Wang disclose a communication device for providing an accurate service record identifying services that can be offered by the communication device, the communication device comprising:

a line detector (10) for determining whether a proper line connection for providing services exists for the communication device (see Fig.1, col. 1, line 52 to col.2, line 55); and

communication means (10, 20, 30, 100), coupled to the line detector, for generating a service record identifying the services if the line detector indicates that a proper line connection exists (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 17, Wang also disclose the communication device wherein, once the service record is generated, the communication means removes the services from the service record if the line detector currently indicates that no proper line connection exists for the communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 18, Wang also disclose the communication device wherein the services are modem-based services and the line detector is a phone line detector (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 19, Wang also disclose the communication device wherein the communication means (10, 20, 30,100) determines whether a modem (100) exists in the communication device, and generates the service record if the modem exists in the communication device and the phone line detector determines that a proper phone line connection exists for the communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Claim Rejections – 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2– 4, 15, 20–25, 27–29 and 31–33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (6,173,040) in view of Ayyagari et al (2001/0033554).

Regarding to claim 2–4, and 21, Wang does not teach wireless communication or bluetooth techniques between first and second communication devices.

However, Ayyagari et al teaches the method wherein further comprising: communicating the service record from the second communication device to the first communication device using short-range wireless communication techniques (198) (see Fig. 1, section [0042]).

Therefore, it would have been obvious for one skilled in the art to integrate Wang's two communication devices with the bluetooth techniques as taught by Ayyagari et al in order to make them communicating wirelessly, and efficiently .

Regarding to claim 15, 20 and 33, Wang does not teach LAN access service

However, Ayyagari et al teaches the method wherein the services include a LAN access service (see section [0042]–[0044]).

Therefore, it would have been obvious for one skilled in the art to integrate Wang's two communication devices with the piconet techniques as taught by Ayyagari et al in order to make them communicating each other wirelessly, efficiently and costless.

8. Regarding to claim 22, Wang disclose a second communication device for providing an accurate service record to a first communication device, the second communication device comprising:

a modem (100);

a phone line detection (see Fig.1, col. 1, line 52 to col.2, line 55);

a modem is present in use (see Fig.1, col. 1, line 52 to col.2, line 55).

However, he does not disclose a bluetooth communication technique.

Therefore, it would have been obvious for one skilled in the art to integrate Wang's two communication devices with the piconet techniques as taught by Ayyagari et al in order to make them communicating each other wirelessly and efficiently.

Regarding to claim 23, Wang in view of ayyagari et al disclose the second communication device wherein the Bluetooth device is installed with a Service Discovery Protocol (see ayyagari, section [0042]).

Regarding to claim 24, Wang teaches the second communication device wherein the phone line detector detects whether a phone line is plugged into a phone jack connected to the modem of the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 25, the second communication device wherein the phone line detector detects a voltage difference between wires of a phone line

connected to the modem of the second communication device (see Fig.1, col. 1, line 52 to col.2, line 55).

Regarding to claim 27, Wang disclose the second communication device displays a detection results that there is no proper phone line connection.

He does not disclose a Bluetooth communication techniques.

However, Ayyagari et al disclose the bluetooth communication techniques, therefore, it would have been obvious for one skilled in the art to integrate Wang's two communication devices with the bluetooth techniques as taught by Ayyagari et al in order to make them communicating wirelessly and costless.

Regarding to claim 28, Wang also teaches the second communication device wherein the modem-based services include a Dial-up service (see Fig.1, col. 1, line 52 to col.2, line 55).

9. Regarding to claim 29, 32, Wang disclose

determining whether a proper line connection for providing services exists for the communication device; and

generating a service record identifying the services if it is determined that the proper line connection exists.

He does not disclose a computer program product embodied on computer readable media readable by a communication device, for providing an accurate service record by the communication device

However, Ayyagari et al disclose his invention can be used with MS windows.

By the time of the invention, it would have been obvious for one skilled in the art to implement Ayyagari et al's invention as taught by Wang so that the communication devices be able to operate more functioning and to exucute faster.

Therefore, it would have been obvious to combine Ayyagari et al's invention with Wang's invention to obtain the invention as specified in the claim.

Regarding to claim 31, Wang in view of Ayyagari et al disclose the computer program product wherein the services are modem-based services

and the line connection is a phone line connection to a modem in the communication device (see Ayyagari, Fig.1).

Allowable Subject Matter

10. Claims 8, 26 and 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding to claim 8, 26 and 30 the prior art of record fails to teach a removing of a portion of the service record that identifies the modem-base service if the determining steps are repeated.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax


Art Unit: 2682

phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


LEE NGUYEN
PRIMARY EXAMINER